

## **General Provisions**

---

# **Chapter 1121**

**Section 1121-1****Compliance with Provisions**

---

Except as specified in this chapter, no building, structure or premises shall be used or occupied and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the provisions of this chapter.

**Section 1121-2****Buildings and Structures**

---

A. *Unlawful Buildings and Uses.* Any building, use, or lot which has been unlawfully constructed, occupied, or created prior to the date of adoption of this code shall continue to be unlawful, unless expressly permitted by this zoning code. Such buildings, uses or lots shall not be considered to be nonconforming buildings, uses or lots of record under this code.

B. *Accessory Buildings.*

1. Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than 10 feet in length. Detached accessory buildings shall be located at least 10 feet from any principal building.
2. Accessory buildings shall not be erected in any front yard or within any easement.
3. Accessory buildings may be erected in a rear yard if set back not less than six feet from the rear property line and three feet from the side property line. In any case, accessory buildings shall not occupy more than 30 percent of the required rear yard.
4. Buildings and structures accessory to non-residential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.
5. An accessory building designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the zoning inspector.
6. The height of an accessory building shall not exceed 14 feet.
7. Accessory buildings shall not exceed 50 percent of the principal building floor area or 900 square feet, whichever is less.
8. An accessory building shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.
9. Accessory buildings in planned developments shall be subject to the same requirements as in the Residential Districts.
10. Swing sets, playground equipment, garden trellises, well-head covers and similar above-ground yard equipment accessory to a residential use shall be exempt from the provisions of this zoning code, except for height limitations, or unless specific provision is made for such equipment by city code.
11. Accessory buildings shall share all public utilities (water/sewer/electric) with the principal building. Accessory buildings shall not be separately metered.

C. *Temporary Buildings.*

1. Construction. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period construction work is in progress, but shall be removed upon completion of the construction work.

2. Model Homes and Sales Offices. Upon application, the zoning inspector may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing development. Each permit shall specify the location of the office and shall be valid for a period of not more than two years and may be renewed by the zoning inspector for additional successive periods of six months or less each, at the same location, if the office or model home is still incidental and necessary for the sale or rental of real property in the subdivision or housing development where it is located.

D. *Fences and Walls*.

1. General Standards.

- a. Fences and walls shall not be permitted to encroach upon public rights-of-way or easements. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts or other apparatus that may be used from time to time for maintenance of the utility. Fences in drainage easements shall require prior approval of the city engineer to allow for proper flow of water.
- b. All fences or walls, regardless of the zoning district where located, shall be a neutral color of white, tan, light gray, light brown, or similar color.
- c. If both sides of a fence are not identical, the finished side shall face outward from the property toward adjoining property or right-of-way.
- d. The height of a fence or wall shall be measured from the established grade line to the highest point of the fence excluding posts and finials; provided, the posts or finials shall not exceed the fence height by more than six inches. The height of the fence may not be artificially increased by the use of mounding, unless otherwise required by the zoning district regulations.
- e. All fences shall extend to the ground, or the bottom of the fence panels shall be no higher than six inches above the ground, and those inches count toward the maximum fence height.
- f. Fences and walls may not interfere with the visibility at any right-of-way, regardless of other standards.
- g. Only one style of fence or wall may be permitted per property line.
- h. Barbed wire, razor wire and concertina wire fences and electrified fences are not permitted.

2. Permitting.

- a. No fence or wall shall be constructed until a permit has been issued by the zoning Inspector or designee and the applicable fee is paid.
- b. The application for a permit shall include plans or drawings showing the actual and accurate shape and dimensions of the property on which the fence or wall is to be erected; the exact height, location, length, type of material, type of construction of such proposed fence or wall; the location of all buildings on the lot; and other information deemed necessary by the zoning inspector or designee in order to ensure that the fence or wall is constructed in compliance with this code.
- c. An applicant shall determine property lines prior to constructing a fence or wall and shall ensure the fence or wall does not encroach upon another lot or parcel of land. The owner shall satisfy one of the following: submit a copy of a survey drawing indicating the location of property lines in the area of the proposed fence; locate and mark the property corners so they are visible at the time of inspection; or submit a signed

statement from the abutting owner or owners stating that they approve the proposed location of the fence or wall.

3. Front Yards. Fences or walls shall not be permitted in any front yard. Shrubby and hedges may be permitted in the front yard; provided, they do not exceed a height of three feet.
4. Side and Rear Yards. Fences in side and rear yards shall comply with the following standards.
  - a. The maximum height in all Districts shall be six feet.
  - b. Fences may be placed on the property line; provided, the location conforms to all other applicable regulations of this section.
5. Swimming Pools. Fences shall be installed to surround all swimming pools, whether in- or above-ground, (collectively, "swimming pool"), as follows:
  - a. The immediate surrounds of the swimming pool or the yard in which it is located, shall be fenced and equipped with a self-latching gate and self-closing lock to prevent uncontrolled access into any swimming pool.
  - b. Any ladders or stairs providing access to a pool shall be enclosed by a fence and/or self-latching and self-locking gate with a lock to prevent uncontrolled access.
  - c. The fence shall be designed, constructed, and maintained in a manner to secure the pool from unauthorized entry.
  - d. The fence shall be at least four, but not more than six, feet above the natural grade.
6. Landscaping. Chain link or privacy fences/walls over four feet in height in Commercial, Business and Manufacturing Districts that abut a Residential District or are located directly across a street or right-of-way from a Residential District shall be bordered by landscaping. A landscape plan shall be submitted with the application and shall include planting adjacent to the fence or wall, facing the Residential District and shall include:
  - a. One shrub for every six feet of fence.
  - b. At least one half of all shrubs shall be evenly spaced and all shrubs shall be attractively arranged, with a minimum 50 percent year round opacity. At least 50 percent of the shrubs shall be evergreen. Shrubs shall be a minimum of two feet in height at the time of planting and shall be of a type expected to reach at least six feet at maturity with a spread of at least six feet.
7. Maintenance.
  - a. All fences, walls, and hedges shall be maintained in good condition, with all boards, posts, slats and gates securely in place, structurally sound and completely finished at all times, including painted surfaces. Any grounds between the structures and property lines shall be well maintained at all times, and clear of debris, weeds and overgrowth.
  - b. All fences located within an R-R District, and which are constructed in order to, at any time, confine livestock, shall be locked securely and maintained in a manner to prevent the wondering of livestock from the fenced area.

E. *Mechanical Equipment Screening*.

1. Mechanical units located on the ground shall be located in the rear or side yard not closer than three feet to adjoining property. When attached to a building, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as not to be visible from neighboring property. Fences shall comply with the requirements of Section 1121-2 D.
2. If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.

F. *Solar Panels.* It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems to reduce the on-site consumption of utility-supplied energy and/or hot water, while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls.

1. The installation and construction of a solar energy system shall be subject to the following development and design standards:
  - a. A solar energy system is permitted in all zoning districts as accessory to a principal use.
  - b. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to others; provided, excess power generated from time to time may be sold to an electric utility company.
  - c. The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company to the City of Hilliard acknowledging and approving such connection.
  - d. A solar energy system may be roof-mounted or ground-mounted, subject to all applicable requirements for that location, as follows:
    - i. A roof-mounted system may be mounted on a principal building or accessory building.
    - ii. Whether mounted on the principal building or accessory building, a roof-mounted system may not exceed the maximum principal building height or accessory building height specified in the zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
    - iii. A ground-mounted system shall not exceed the maximum building height for accessory buildings.
    - iv. The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
    - v. A ground-mounted system shall not be located within the front yard.
    - vi. The minimum setback distance for a ground-mounted system from the property lines shall be equivalent to the required setback for the principal building.
  - e. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
    - i. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this code and providing effective screening may be used.
    - ii. Mechanical equipment shall not be located within the front yard.

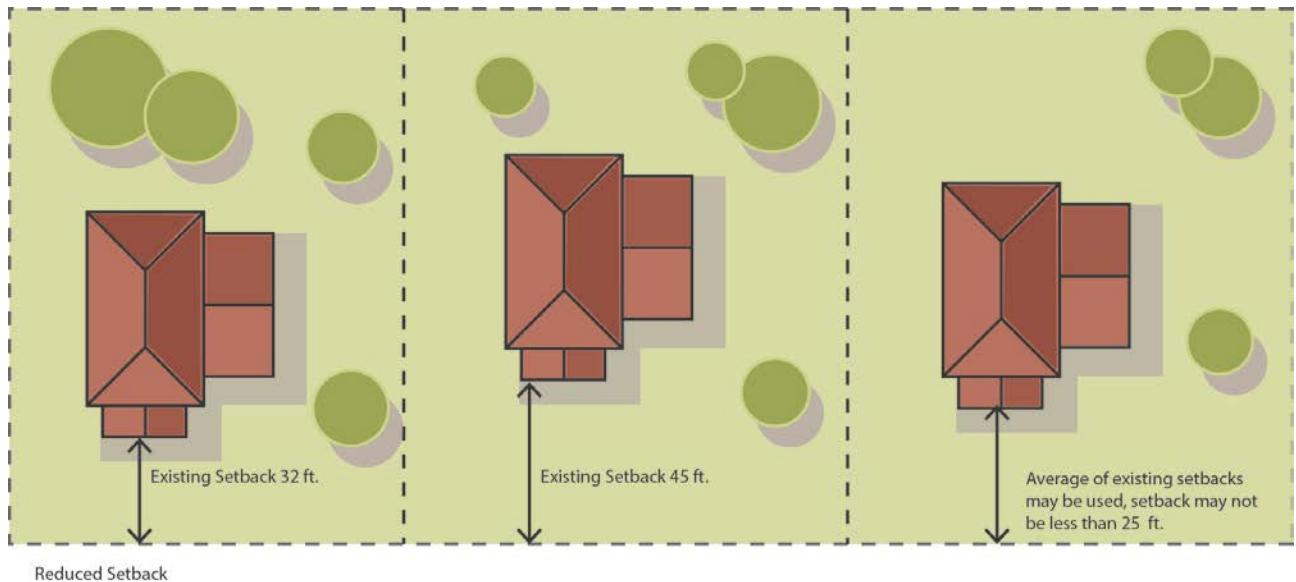
- iii. Mechanical equipment shall comply with the setbacks specified for accessory structures in the zoning district, but not less than 10 feet from all side and rear lot lines.
  - f. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
  - g. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.
  - h. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
  - i. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.
  - j. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the applicable building code. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Ohio.
  - k. The solar energy system shall comply with all applicable codes to ensure the structural integrity of the solar energy system.
  - l. Before any construction shall commence on any solar energy system, the property owner must acknowledge, in writing, that he/she is the responsible party for owning and maintaining the solar energy system.
- 2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal shall be graded and reseeded.
  - 3. If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six months) or is defective or is deemed to be unsafe by the city building official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the building official. If the owner fails to remove or repair the defective or abandoned solar energy system, the City of Hilliard may pursue a legal action to have the system removed at the owner's expense.

---

### **Section 1121-3                      Dimensional Requirements**

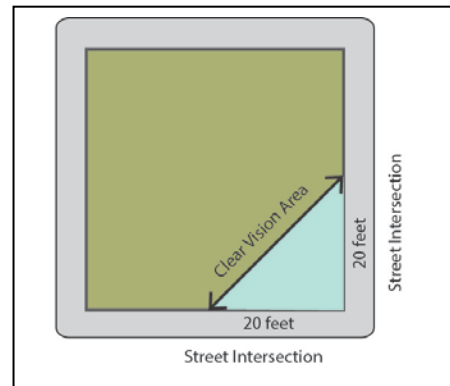
---

- A. *Front Yard.* All yards abutting upon a public street right-of-way or private street easement shall be considered front yards for setback purposes, except as provided for accessory buildings on double frontage lots.
- B. *Front Setback Requirements.* The following setback requirements shall apply to all Residential Districts:
  - 1. Where the established front yards for existing principal buildings located within 200 feet of a side lot line of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of the existing main buildings on the same side of the street, on the same block and entirely or partially within 200 feet of the side lot lines of the subject lot.



2. The front yard reduction provided for in this section shall only be permitted if two or more lots are occupied by main buildings within the area described for computing the average front yard.
3. In no case shall the front yard setback resulting from the application of these provisions, be less than 25 feet.

C. *Clear Vision Corners.* Fences, walls, structures, shrubbery or other potential obstructions to vision, except utility poles, lights and street signs, shall not be permitted to exceed a height of 30 inches within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection with the right-of-way lines.



- D. *Encroachment in Right-of-Way.* No buildings, structures, service areas or required off-street parking and loading facilities, except driveways, shall be permitted to encroach within public rights-of-way.
- E. *Required Yards or Lots.* No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space less than the minimum size required under this code. If already less than the minimum size required, the area or space shall not be further divided or reduced.
- F. *Minimum Lot Frontage.* Any lot created after the effective date of this code shall front upon a public street right-of-way, private street easement, or approved access easement and shall have frontage on the public street, private street or approved access easement equal to the lot width required in the applicable zoning district.
- G. *Cul-de-Sac Lots.* In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the required front setback line. Cul-de-sac lots shall have a minimum width of 40 feet at the front lot line. For lots in the R-R district that have their entire frontage on a cul-de-sac, a minimum lot width of 150 feet shall be achieved at a point 125 feet from the front lot line.
- H. *Existing Lots of Record.* Any residentially zoned lot of record, existing on the effective date of



this code, that is 50 feet or wider, but less than the minimum area and/or width required for the zoning district, may be used for the erection of a single family dwelling; provided, the front and rear yard setback requirements of the district are met and each side yard is no less than the percent of the lot width in relation to the required lot width.

- I. *Corner Lots and Through Lots.* Lots having frontage on more than one street shall provide required front yards along all streets.
- J. *Projections into Required Yards.* The following elements and appurtenances may encroach into or over a required yard setback, as provided in *Table 1121-3*:

**Table 1121-3 Permitted Building Projections Into Required Yards**

Projection	Front Yard	Rear Yard	Interior Side Yard	Corner Side Yard
Accessory structures	See Section ***			
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a minimum 3 ft. side yard setback			
Air conditioning units, generators and other mechanical equipment	Not permitted	3 ft.	3 ft.	3 ft.
		No more than 5 ft. from the building		
Awnings and canopies <sup>1</sup>	3 ft.	5 ft.	3 ft.	3 ft.
Balconies	5 ft.	10 ft.	3 ft.	5 ft.
Barrier-free ramps and other facilities	16 ft.	16 ft.	3 ft.	16 ft.
Bay windows	3 ft.	3 ft.	3 ft.	3 ft.
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.
Cornices and similar architectural features	3 ft.	3 ft.	3 ft.	3 ft.
Decks, unroofed porches and stoops <sup>2</sup>	5 ft.	10 ft.	3 ft.	5 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.	2 ft.
Fences and walls	See Section 1121-2 D			
Fire escapes, open or enclosed	5 ft.	5 ft.	5 ft.	5 ft.
Patios and similar at-grade structures unroofed and unenclosed (not including driveways and sidewalks) <sup>2</sup>	10 ft.	No closer than 3 ft. to the lot line		
Stairways (not including steps to main floor entry) and below-grade stairwells	Not permitted	10 ft.	3 ft.	3 ft.
Window air conditioning units	--	2 ft.	2 ft.	--
Window wells	3 ft.	3 ft.	3 ft.	3 ft.

<sup>1</sup> In the case of vehicle service stations, hotels, funeral homes and similar uses, canopies may be permitted over a driveway or walkway within the front yard but shall not be closer than 15 feet to the street right-of-way or easement line.

<sup>2</sup> Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks for the principal building.

- K. *Height Exceptions.* The height regulations of any zoning district shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smoke stacks, or conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing or takeoff of aircraft at an established airport.
- L. *Maximum Width/Depth Ratio:* In all zoning districts, no lot or parcel shall be created whose depth exceeds four times its width; provided, for cul-de-sac lots or parcels the width shall be measured at the required front setback line.



---

**Section 1121-4 Dwellings**

---

- A. *Illegal Dwellings.* The use of any basement for dwelling purposes is prohibited in any zoning district, unless the basement meets the appropriate city building codes. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, except if specifically constructed and authorized as an accessory dwelling.
- B. *Temporary Dwellings.* No cabin, garage, basement, tent, recreational vehicle, or other temporary structure shall be used in whole or in part for dwelling purposes in any district; provided a manufactured home may be used as a temporary dwelling for a period not to exceed six months upon application for and approval of a permit for such occupancy by the zoning inspector upon determination that the following conditions exist and are met:
1. The permanent dwelling of the resident applicant on the subject property has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
  2. Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
  3. The temporary dwelling shall be served by sanitary sewer and potable water, approved by the city.
  4. The temporary dwelling will be removed prior to the issuance of a certificate of occupancy for the new dwelling.
- C. *Conversion of Dwellings.* In the R-3 and R-4 Districts, a single family dwelling may be converted to accommodate additional dwelling units, provided:
1. The exterior of the building shall not be changed in a way that alters the appearance of a single family dwelling and the yards shall not be reduced to less than the minimum requirements of the zoning district.
  2. The minimum lot area per unit is equal to the lot area requirements for two family or multiple family dwellings, as applicable, in that district.
  3. Each dwelling unit meets the minimum floor area requirements for single or multiple family dwellings, as applicable, within the zoning district.

---

**Section 1121-5 Parking and Storage**

---

- A. *Outdoor Storage.* Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted in those districts and under such conditions as specifically authorized by this code.
- B. *Temporary Storage Units.*
1. Registration of Temporary Storage Units.
    - a. Prior to the initial delivery of a temporary storage unit, the property owner, occupant of the premises (if not the owner) or storage unit supplier shall register the placement of the storage unit with the building department; provided, however, such registration shall not be required if the storage unit will be removed within 72 hours of its delivery.
    - b. Registration requires the following:

- i. Completing the required application form and providing the property owner's or occupant's (if not the owner) name, size of the temporary storage unit to be registered, the address at which the storage unit will be placed, delivery date, removal date and a sketch illustrating the location and placement of the storage unit;
- ii. Written approval of the application by the zoning inspector.
- iii. The effective date of the registration shall be the date of the application's approval.

2. Placement Requirements.

- a. It shall be unlawful to place or permit the placement of a temporary storage unit on property located within the City of Hilliard, unless it is registered with the building department, as required in subsection 1, above.
- b. Temporary storage units shall only be placed upon or within a driveway or a parking area or, if access exists at the side or rear of the lot, the side or rear yard.
- c. No temporary storage unit shall be placed upon or within public property or a public place, including without limitation, a street, sidewalk or outlawn.
- d. The temporary storage unit shall not be located at the registered address for more than 10 consecutive days, including the days of delivery and removal; provided, if the unit is needed to facilitate cleanup and/or restoration of activities resulting from natural disasters, fire, or remodeling the unit may be located on the property for up to 90 consecutive days.
- e. Each lot may contain two storage units at any time and a maximum of two registrations in any 12 month period are permitted.
- f. The temporary storage unit shall not exceed 200 square feet.
- g. The temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the unit.
- h. The temporary storage unit shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.
- i. No temporary storage unit shall be used for human occupancy or to store solid waste, business inventory, commercial goods, goods for property other than the property where the storage unit is located or any other illegal or hazardous material. Upon reasonable notice, the building department may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.
- j. Any temporary storage unit which is not removed at the end of the time for which the unit was registered, may be removed by the city immediately, without notice, and the cost of such removal may be assessed against the property on which the unit was located.
- k. A sign identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a sign permit; provided, the storage unit is in compliance with this section and all other applicable codes.

C. *Storage and Repair of Vehicles.*

1. The repair, restoration and maintenance of vehicles in any Residential District, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and may not be conducted within the public right-of-way.
2. It shall be unlawful for the owner, tenant or lessee of any building or lands within the city to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a

period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the State Motor Vehicles and Traffic Code, or do not have a current license and registration as required for operation by the State Motor Vehicles and Traffic Code.

3. It shall be unlawful for the owner, tenant or lessee of any lot or building in a Residential District to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

**D. *Recreational Vehicle and Noncommercial Trailer Parking.***

1. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the city and to use the same as a dwelling.
2. The outdoor storage or parking of a recreational vehicle or noncommercial trailer for periods longer than 48 hours is prohibited in any front or side yard in a Residential District. This provision shall not, however, prohibit the temporary parking of a recreational vehicle or noncommercial trailer on a residential lot for periods up to 48 hours.
3. The recreational vehicle or noncommercial trailer shall be parked on an improved surface, as defined in this code.

**E. *Commercial Vehicles in Residential Districts.*** Commercial vehicles shall not be located on any property within a Residential District, unless parked or stored within a completely enclosed garage or building. This shall not prevent the temporary location of any such vehicle on property while engaged in a delivery, pickup or service run to the property where located.

---

**Section 1121-6****Uses**

---

- A. *Principal Use per Lot.* A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, or commercial or industrial buildings contained within a single, integrated development, sharing parking and access and determined to be a single use collectively. Examples include vehicle service stations/convenience stores/car washes and vehicle sales lots/repair/body shops.
- B. *Legal Use.* No building, structure or land shall be used or occupied and no building structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this code.
- C. *Legal Lot.* Every building, structure or use erected or established within the city shall be located on a legally recorded lot or parcel and shall conform to all applicable requirements of this code.
- D. *Essential Services.* The erection, construction, alteration or maintenance of essential public services is permitted in all zoning districts and exempt from the provisions of this code.
- E. *Home Occupation.*
  1. A permit shall be required prior to establishing a home occupation. Application for a home occupation permit shall be made in writing to the zoning inspector, together with payment of such fee, if any, as may be established by City Council. The requirement for a permit is to

- ensure compliance with the conditions of this subsection and to establish a record to determine future compliance.
2. If the zoning inspector cannot determine if the home occupation requirements are met, in his/her sole discretion, the zoning inspector may refer the matter to the Planning and Zoning Commission for consideration.
  3. The home occupation shall be operated in its entirety within the principal dwelling.
  4. Only residents living in the principal dwelling shall be engaged in the home occupation.
  5. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the gross floor area of the dwelling or 250 square feet, whichever is less, shall be used in the conduct of the home occupation.
  6. There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of the home occupation, except that one sign, not exceeding two square feet, non-illuminated and mounted flat against the wall of the dwelling, may be permitted.
  7. The direct sale of goods, merchandise, supplies, products or services to customers shall not be permitted on the premises. Phone and internet sales may be permitted, provided the items purchased are shipped directly to the customer so no pick-up is required at the location of the home occupation.
  8. Outdoor storage, activities or displays shall be prohibited.
  9. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Any parking needed to accommodate the home occupation shall be provided off-street behind the required front setback line.
  10. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single family dwelling, or detectable outside the dwelling unit if conducted in an attached or multiple family dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage of the premises.
  11. Uses such as, but not limited to: clinics, hospitals, medical offices, nurseries, day care centers, ambulance service, amusement arcades, vehicle repair or maintenance, pawn shop, fortune teller, veterinarian offices, permanent basement or garage sales or kennels shall not be considered home occupations.
- F. *Private Swimming Pools.* A private swimming pool, not including farm ponds, shall be any pool, lake, pond or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or an area less than 100 square feet, shall be permitted in any zoning district, except as an accessory use and in compliance with the following:
1. The pool is intended and used for the sole enjoyment of the occupants of the principal use of the property on which it is located.
  2. The pool and adjacent walks, paved areas and accessory structures shall not be located closer than 10 feet to any property line.
  3. The pool shall be located only within the rear yard.

4. Fencing shall be required around the pool, in conformance with *Section 1121-2 D*.
- G. *Voting Place*. The provisions of this code shall not be construed in any manner that would interfere with the temporary use of any property as a voting place in connection with a municipal, school or other public election.
- H. *Similar Uses*. Since every potential use cannot be addressed in this code, each district provides for similar uses, referencing this section. All applications for a use not specifically listed in a zoning district shall be submitted to the zoning inspector for review and decision, based on the following standards:
  1. The zoning inspector shall find that the proposed use is not listed as a named permitted or conditional use in any zoning district.
  2. If the use is not addressed in any district, the zoning inspector shall review the uses listed as permitted and conditional in the zoning district in which the use is proposed and determine if a use listed in the district closely resembles the proposed use. This determination shall be based upon criteria such as consistency with the district purpose statement, similar character, service or market area, customer or visitor draw, scale of building and parking, potential impact on property values, traffic generated, aesthetics, noise or potentially objectionable impacts on the health, safety, and welfare in the immediate vicinity or city-wide.
  3. If a use is determined to be similar to a named use within the district, the proposed use shall comply with any specific standards or other code requirements that apply to the named use. If the named use is a conditional use, the similar use may only be approved as a conditional use in accordance with the provisions of Chapter 1123.
  4. The zoning inspector may, at his/her discretion, submit the proposed use to the Planning and Zoning Commission for determination of the appropriateness of the use.
  5. Where the zoning inspector or Planning and Zoning Commission determines a proposed use is not similar to any named use addressed within the district, the applicant may petition for an amendment to this code.
  6. The determination as to whether a proposed use is similar in nature and class to another named permitted or conditional use within a district shall be considered as an interpretation of the use regulations, and not as a use variance; this determination may be appealed as provided in Chapter 1106.
  7. Upon determination by the zoning inspector or Planning and Zoning Commission that a use is similar to a named use, the zoning inspector shall initiate an amendment to this chapter to list the similar use in the schedule of uses for the zoning district.

---

**Section 1121-7****Other Provisions**

---

**A. *Domestic Animals*.**

1. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than four dogs or cats, six months of age or older, in any combination, shall be kept or housed in or at one dwelling unit.
2. Agricultural animals such as, but not limited to, horses, cattle, goats, pigs, sheep and chickens are permitted in the R-R District on parcels of three acres or more; provided that the total number of animals permitted on parcels of 10 acres or less shall be limited to one

animal per acre. Manure storage areas shall be located at least 75 feet from any adjoining property line.

3. Any area where permitted animals are kept shall be maintained in a safe and sanitary condition.
- B. *Trash, Litter and Junk.* It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the city, except in a lawful sanitary landfill or junkyard.
- C. *Control of Heat, Glare, Fumes, Odor, Dust, Noise or Vibration.* Every use shall be conducted and operated in a way that does not create a nuisance and is not dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which it is located.
- D. *Excavations or Holes.* The construction, maintenance or existence within the city of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells which constitute or are likely to constitute a hazard or menace to the public health, safety or welfare is hereby prohibited; provided, this section shall not apply to the following:
1. any excavation for which a permit has been issued by the city and which is properly protected and where warning signs have been posted in a manner approved by the city;
  2. any excavation approved and operated as a special land use in accordance with this code for mining extraction operations; and
  3. streams, natural bodies of water or ditches, reservoirs and other bodies of water created or existing by authority of governmental units or agencies.